

ROGERSON & SON.

[To accompany Bill H. R. No. 349.]

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MARCH 19, 1860.

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Mr. E. B. WASHBURN, from the Committee on Commerce, made the following

REPORT.

*The Committee on Commerce, to whom was referred the claim of Rogerson & Son, of Newfoundland, for losses incurred by them in consequence of the rescuing by their brig "Jessie" of the passengers and crew of the American ship "Northumberland," presented through the Department of State, submitted the following report:*

It appears that the British brig "Jessie," the property of Peter Rogerson & Son, of St. John's, Newfoundland, while on a seal-fishing voyage in the month of December, 1857, fell in with the American packet ship "Northumberland," in a foundering condition. That by great exertions and at personal risk, during a violent gale and heavy sea, the passengers and crew, consisting of more than sixty persons, some of whom were women and children, were transferred on board the "Jessie," which was then necessarily put back to Cork, Ireland. That the delay consequent thereon broke up the voyage, which was of a lucrative character, and entailed heavy expenditures upon her owners.

For these disbursements and contingent profits lost the proprietors of the "Jessie" believe themselves entitled to some compensation from this government; the loss resulting from this humane conduct of the captain of the "Jessie" amounts to \$7,788 75.

This claim presents itself in two aspects: In its abstract justice and equity; and as a claim, the recognition of which will not only be an incentive to further acts of daring and humanity, but as tending to strengthen the friendly relations between the two nations.

There can be no doubt of the fact that the voyage of the "Jessie" was broken up, and solely in consequence of rescuing from death the passengers and crew of an American ship, and at considerable pecuniary loss to the owners; nor can there be less doubt that such loss, so incurred, presents no *legal* claim upon the American government.

Were the claim so presented, your committee would have had no

hesitation in recommending its rejection. In calling the attention of the Secretary of State to the facts and circumstances, the British minister, Lord Lyons, says: "It is not, sir, with a view of making any formal claim on behalf of the owners of the "Jessie" that I do myself the honor of submitting to you the letter in question. My object is, in obedience to the instructions which I have received from her Majesty's secretary of state, to make an appeal to the well-known liberality of the government of the United States in cases where the owners of foreign vessels have sustained losses in consequence of services rendered to American vessels."

In communicating the papers, the British minister adds: "It is certainly the interest of all governments to encourage the practice of similar acts of charity and humanity; and if the United States should think themselves justified in awarding some compensation to Messrs. Rogerson, such a resolution might not, perhaps, be devoid of good effects hereafter "

The Secretary of State, General Cass, in responding to Lord Lyons' application, says: "As I am persuaded of the equity of the claim, I shall invite the favorable consideration of that body (Congress) to it at the opening of the next annual session."

The justice of a liberal compensation for the serious loss sustained by the owners of the "Jessie" is further advocated by the president of the executive and legislative council, the speaker of the assembly, chamber of commerce and others, of Newfoundland.

Our own government, by authority of Congress, marks its approbation of such gallant acts when exhibited towards American ships, by authorizing the President, from appropriations made for the purpose, to make such acknowledgments as he may deem proper.

This, however, does not cover pecuniary losses; the principle being acknowledged that property relieved at sea should render compensation.

In this case, it will be perceived that nothing but life was saved; and the British government, through its minister, have signified its readiness to assume whatever proportionate amount of loss the relative number of British subjects so rescued may have borne to the total number saved.

Believing this to be a claim founded on justice and equity, and arising from circumstances exciting the highest approbation, your committee have instructed me to report the accompanying bill for relief.

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*Correspondence relative to the claim of Rogerson & Son, of Newfoundland.*

DEPARTMENT OF STATE,  
Washington, February 28, 1860.

SIR: I have the honor to invite your attention to the enclosed copy of a correspondence which has taken place between this department and her Britannic Majesty's legation in this city, relative to the claim of Messrs. Rogerson & Son, of Newfoundland, on the government of

the United States, for services rendered by their brig "Jessie" to the crew of the American packet ship "Northumberland" in the month of December, 1857.

The leading facts of the case appear to be these: The "Jessie," bound from Liverpool to Newfoundland, fell in with the "Northumberland" at sea in a foundering state. The crew and passengers of the latter were transferred on board of the "Jessie" at considerable hazard. The "Jessie" then put back to Cork, thus incurring certain expenses and a delay which it is alleged prevented a voyage on the spring seal fishing, to which she was destined, and which is of a lucrative character. For these disbursements and contingent profits lost the proprietors of the "Jessie" believe themselves entitled to some compensation from this government; and her Majesty's government, believing that some at least of the passengers of the "Northumberland" were British subjects, has signified its willingness, if the government of the United States should be enabled by Congress to acknowledge and settle the claim of the owners of the "Jessie," to refund to this government a sum bearing the same proportion to the whole claim which the number of British passengers saved from the "Northumberland" may have borne to the total number saved, including both passengers and crew.

It will be noticed that the estimated loss resulting from the humane conduct of the captain of the "Jessie" amounts to \$7,788 75. The expediency of appropriating this sum, or so much thereof as shall be necessary to indemnify Messrs. Rogerson & Son, is suggested for the consideration of the committee.

I have the honor to be, very respectfully, sir, your obedient servant,  
LEWIS CASS.

Hon. E. B. WASHBURN,  
*Chairman of the Committee on Commerce  
of the House of Representatives.*

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*List of accompanying papers.*

- Lord Napier to Mr. Cass, (with accompaniments,) March 15, 1858.
- Mr. Cass to Lord Napier, March 19, 1858.
- Lord Napier to Mr. Cass, (with accompaniments,) September 7, 1858.
- Mr. Cass to Lord Napier, September 9, 1858.
- Lord Napier to Mr. Cass, February 13, 1859.
- Mr. Cass to Lord Napier, February 15, 1859.
- Lord Lyons to Mr. Cass, (with an accompaniment,) April 20, 1859.
- Mr. Cass to Lord Lyons, April 22, 1859.
- Lord Lyons to Mr. Cass, November 28, 1859.
- Mr. Cass to Lord Lyons, November 29, 1859.
- Lord Lyons to Mr. Cass, December 5, 1859.
- Mr. Cass to Lord Lyons, December 6, 1859.

*Lord Napier to General Cass.*

HER BRITANNIC MAJESTY'S LEGATION,  
Washington, March 15, 1858.

SIR: I have received the enclosed letter from the governor of Newfoundland, with a request that I should present it to you, and recommend the case of your memorialists to the consideration of the government of the United States. I am not directed to bring this matter under your notice by her Majesty's government, nor would it be, I imagine, a proper subject for official representation.

A colonial vessel, the "Jessie," bound from Liverpool to Newfoundland, fell in with an American packet at sea in a foundering state. The crew and passengers of the latter were transferred on board the "Jessie" at considerable hazard. The "Jessie" put back to Cork, thus incurring certain expenses and a delay which has prevented a voyage on the spring seal fishery, to which she was destined, and which is of a lucrative character. For these disbursements and contingent profits lost the proprietors of the "Jessie," Messrs. Peter Rogerson, of St. John's, Newfoundland, believe themselves entitled to some compensation from the government of the United States, to whose sense of justice I leave the case, under a conviction that it will obtain the consideration to which it is entitled.

A copy of a letter addressed to me by Sir Alexander Bannerman is also transmitted herewith, in which you will observe that his excellency does not implicitly adopt the views of the memorialists, and suggests that the government of the United States should communicate with her Majesty's government before taking any final resolution on the subject.

I have the honor to be, my dear sir, yours, very faithfully,  
NAPIER.

Hon. LEWIS CASS, &c., &c., &c.

GOVERNMENT HOUSE, NEWFOUNDLAND,  
March 5, 1858.

MY LORD: I have the honor to enclose a statement from Messrs. Rogerson, merchants in St. John's, which they request me to forward to your lordship, along with the enclosures, for presentation to the Secretary of State at Washington.

Messrs. Rogerson are, as your lordship will observe, the owners of a brig named the "Jessie," which vessel, on crossing the Atlantic in December last, bound for Newfoundland, fell in with, in a damaged and sinking state, the American packet ship "Northumberland," of 1,200 tons, and succeeded in rescuing her crew and passengers, upwards of sixty in number, and returned with them to Cork, in Ireland, where they were landed in safety. The owners, as your lordship will see, "expect such compensation as will reimburse them for the loss and expenses which they have incurred," according to an estimate which is prefixed to their statement; and among other items is the



loss of a voyage to the seal fishery, which they will incur from the non-arrival of the brig "Jessie," in consequence of her detention in Cork, to which she returned with the crew and passengers of the packet ship.

From all that I have heard, the captain of the "Jessie" and his crew behaved with great gallantry, and deserve every commendation; and the United States government may probably consider the owners of the "Jessie" entitled to some remuneration for the loss they have sustained in the detention of their ship from profitable employment.

As the "Jessie" has not yet arrived here, I cannot well see how her owners' loss can yet be ascertained, or whether she would have been obliged to bear up for Cork in consequence of the damage she met with previous to falling in with the unfortunate "Northumberland." That vessel is stated to have been an American packet, sailing under the United States flag, and named (manned?) by American citizens; but some of the passengers may have been British subjects, and Messrs. Rogerson have made a similar application to the British colonial minister, to whom I have taken the liberty to forward a copy of this letter.

Under these circumstances, your lordship will perhaps suggest to the Secretary of State at Washington to hold some communication with her Majesty's government on the claims put forth by Messrs. Rogerson before the government of the United States come to any final determination on the subject.

I have, &c., &c., &c.,

A. BANNERMAN, *Governor.*

Lord NAPIER, &c., &c., &c.

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ST. JOHN'S, NEWFOUNDLAND,  
*February 26, 1858.*

SIR: We have the honor to bring under the consideration of the President of the United States the following circumstances, in the hope that, from the well-known liberality and justice of your government, we shall receive such compensation as will reimburse us for the loss and expenses we have incurred:

The brig "Jessie," of the burden of 220 American tons, and belonging to us, sailed from Liverpool, England, on the nineteenth day of November last, bound for this port, laden with a valuable cargo, commanded by Captain Percy, with a crew of ten men.

That after she had accomplished about half of her voyage, on the second day of December she experienced a heavy gale of wind, during which she was nearly thrown upon her beam ends; her cargo shifted, part of her bulwarks was carried away, and other damage was done to her.

While the captain and crew were engaged in repairing the damage thus sustained, on the night of the third of December they observed blue lights and skyrockets burning as signals of distress; on the approach of daylight Captain Percy discovered, at a short distance from them, a large ship dismasted, with a flag flying union downwards. A

heavy sea was running at the time, and the gale still continued ; but Captain Percy did not hesitate, notwithstanding his own disabled condition, to approach the distressed vessel, which proved to be the American packet ship "Northumberland," of about 1,200 tons, and of and from New York, bound to London, with upwards of sixty passengers and crew on board. Several of such passengers were women and children. All her masts were gone, and she was so much damaged otherwise that she was in a sinking condition. Her commander requested Captain Percy to take the passengers and crew off the wreck ; to which Captain Percy replied that he was bound for Newfoundland ; whereupon the commander rejoined that they would go anywhere with him, to take them off the wreck, as the ship was sinking ; to which the captain did not hesitate to assent, and immediate preparations were made by him for that purpose. The first boat launched by the "Northumberland" was smashed and swamped alongside by the heavy sea and the violence of the gale ; and the sea prevented the possibility of approaching either vessel by boat. The passengers, therefore, were dragged through the water from the "Northumberland" to the boat, and from the boat to the "Jessie." The whole of the day was occupied in this perilous duty ; and after extraordinary exertions and great personal risk, of no common kind, by Captain Percy and his men, the whole of the passengers and crew of the "Northumberland" were providentially rescued from their dangerous situation and safely lodged on board the "Jessie."

The provisions and water on board of that vessel, although abundant for her own crew and voyage, were wholly inadequate to support such a large increase of numbers ; and the state of the weather and sea prevented any provisions or water being brought from the "Northumberland." Under such circumstances, no alternative remained to Captain Percy but to abandon his voyage, at whatever cost, and to bear up for the nearest land, which he accordingly did, and, after a period of nine days, happily succeeded in reaching Queenstown, Ireland, and safely landed every one of the persons saved from the "Northumberland."

Whilst we heartily rejoice that our property was made instrumental in saving the lives of so many human beings, and fully approve of the course adopted by our captain under such extreme circumstances, we think it only due to ourselves to state that such deviation and the delay consequent thereon have occasioned us a pecuniary loss exceeding \$7,788, as per particulars annexed.

Our vessel was built for the express purpose of, and has each spring been engaged in, prosecuting the spring seal fishery, beginning in February every year. She was on her way to Newfoundland to prepare for this spring's voyage when she was obliged to bear up for Ireland. Her detention in Cork prolonged her voyage to so late a period of the year, and exposed her to the risks of ice and other perilous dangers incident to the approach of vessels at this season to the shores of Newfoundland, that she has not yet arrived, and her voyage to the said fishery is of course abandoned. The crew of fifty-five men whom we had prepared to go in her on said sailing voyage we have been obliged to dismiss, and an enterprise which has proved so highly

remunerative to us, and for which we had made all the necessary preparations, and had incurred considerable expense, is lost to us. Last spring alone the profit to us of her earnings on a similar voyage amounted to at least \$7,000.

The services of the captain and crew have been recognized by American gentlemen in England, and by our colonial legislature, as well as by his excellency Sir Alexander Bannerman. The gold and silver medals of the Humane Society have been awarded to Captain Percy and his mates, and rewards for their gallantry have been deservedly bestowed upon them by others from several sources; but the pecuniary loss imposed upon us is so very heavy that it seems beyond what could reasonably be expected to be borne by any private individuals for such an undertaking, however humane or praiseworthy.

We therefore submit the matter to the consideration of your government, under the full conviction that our just claim for compensation will be favorably entertained, and that we will be indemnified against the loss we have sustained in saving the lives of the passengers and crew of the American packet ship, sailing under the flag of the United States, and manned by her citizens.

We have the honor to be, sir, your most obedient servants,  
PETER ROGERSON & SON.

Hon. LEWIS CASS,

*Secretary of State of the United States, &c., &c., &c.*

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*Estimated amount of loss sustained by the owners of the brig "Jessie," in consequence of having put back to Cork with the shipwrecked passengers and crew of the American ship "Northumberland," when about halfway on her passage from Liverpool to St. John's, Newfoundland.*

	£.	s.	d.
Expenses at Cork, £291 sterling.....	349	4	0
Insurance from the middle of December, 1857, until the middle of March, 1858, three months.....	50	0	0
Amount of wages and diet to the crew, with wear and tear of the ship for the same period.....	390	0	0

*Loss on sealing voyage.*

In 1856, the "Jessie," under her present commander, Captain Percy, and a crew of 55 men, brought into St. John's 2,029 seals, the value of which was.....	£1,464	18	6
In 1857, with the same commander and crew 3,761 seals, the value of which was.....	3,167	0	7
	4,631	19	1
One-half of which belongs to the ship and the other half to the crew.....	2,315	19	6
The ship's share.....	2,315	19	7

The average of which, for one year, would be the probable loss sustained.....	£1,157 19 9
Total estimated loss sustained.....	1,947 3 9
Which, at four dollars per pound, is .. .. .	7,788 75

PETER ROGERSON & SON.

St. JOHN'S, *Newfoundland*, February 24, 1858.

CONSULATE U. S. A., NEWFOUNDLAND,  
*St. John's*, March 1, 1858.

I, the undersigned consul for this island and the dependencies thereof, at the request of Messrs. P. Rogerson & Son, merchants, do hereby certify that I have examined the statement made by them respecting their losses through the rescue by their brig "Jessie" of the crew and passengers of the wrecked packet ship "Northumberland," in December last, together with the account showing the vessel's earnings during previous years at the seal fishery, and believe the same to be correct.

I have much pleasure in further stating that the house in question is of high commercial and moral standing.

Given under my hand and the seal of this consulate the day and [L. S.] year above written.

W. S. H. NEWMAN,  
*United States Consul.*

St. JOHN'S, *Newfoundland*, March 1, 1858.

SIR: We beg permission to submit to your excellency, with reference to our letter to the Secretary of State at Washington, the following extract from John Shea, esq., our commercial correspondent at Cork, upon the subject of the conduct of Captain Percy, of the brig "Jessie," dated 17th of December last:

"I believe there are no funds at the disposal of consuls or ministers at this side of the Atlantic to remunerate either owners or captains for such services, but I believe the American government always responds most liberally to any application made to them under such circumstances, and in this instance you have the strongest claims on their generosity and justice.

"The consul here will make very strong representations on the subject."

We have the honor to be, sir, your excellency's most obedient servants,

ROGERSON & SON.

His excellency Sir ALEXANDER BANNERMAN, &c., &c.,  
*Governor of Newfoundland.*

*General Cass to Lord Napier.*

DEPARTMENT OF STATE,  
Washington, March 19, 1858.

MY LORD: I have had the honor to receive your lordship's letter of the 15th instant, with the accompanying communications, relative to the rescue at sea by the "Jessie," a colonial vessel from Liverpool to Newfoundland, of the crew and passengers of the United States packet ship "Northumberland," bound from New York to London, who were taken on board the "Jessie" to Cork, in Ireland. Unqualified praise is due to the gallant and humane conduct of Captain Percy, of the "Jessie," on that occasion, and the President will take an early opportunity to signify to that person his sense of that conduct. The account of Messrs. Peter Rogerson & Son, however, which accompanies their letter to me of the 26th ultimo, could be paid only pursuant to an appropriation by Congress; and it is apprehended that fuller information upon the subject would be required before such an appropriation could pass. Some of the points which might need elucidation are adverted to in the letter of the governor of Newfoundland to your lordship, namely, whether the damage which the "Jessie" herself sustained in the gale did not, in part at least, occasion her putting back to Cork to repair it, and what proportion of the passengers rescued were United States citizens or British subjects, respectively. It is doubtful, however, whether in any event the alleged loss of the profits of her intended voyage in pursuit of seals would be regarded with more favor than claims of a similar speculative character upon governments usually are.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

Lord NAPIER, &c., &c., &c.

*Lord Napier to General Cass.*

HER BRITANNIC MAJESTY'S LEGATION,  
Washington, September 7, 1858.

MY DEAR SIR: It was my duty on a previous occasion to bring under your notice unofficially the losses incurred by Messrs. Rogerson, of Newfoundland, in consequence of the service rendered by the commander of their brig "Jessie" to the emigrant or packet ship "Northumberland," an American vessel bound from New York to London.

The "Northumberland" being in a sinking state, the crew and passengers were removed to the "Jessie," and the latter vessel, giving up her voyage from Liverpool to St. John's, turned back and put into a port in Ireland, thus preserving the lives of the crew and passengers of the "Northumberland," but incurring great expenses by deten-



tion, and forfeiting the profits of a sealing voyage which she had been destined to undertake.

I have not been instructed to bring this matter officially before the United States government. The act of the captain of the "Jessie" was spontaneous; the relief afforded does not involve the American government, but it seems certain that the proprietors of the "Jessie" have been considerable sufferers. The case has been again recommended to my good offices by the governor of Newfoundland. I consequently venture to recommend the enclosed documents to your consideration. It is certainly the interest of all governments to encourage the practice of similar acts of charity and humanity; and if, on another examination, the government of the United States should think themselves justified in awarding some compensation to Messrs. Rogerson, such a resolution might not, perhaps, be devoid of good effects hereafter.

You will oblige me by having the goodness to return the accompanying papers to her Majesty's legation.

Believe me, my dear sir, yours, very truly,

NAPIER.

Hon. LEWIS CASS, &c, &c., &c.

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*Governor Bannerman to Lord Napier.*

GOVERNMENT HOUSE,  
Newfoundland, August 4, 1858.

My LORD: In reference to your lordship's despatch of the fourteenth May, relative to the claim of Messrs. Rogerson on the United States government for remuneration for the services performed by their brig "Jessie" to the crew of the United States wrecked ship "Northumberland," your lordship was pleased to say that if any additional evidence transpired, your excellency would communicate the same to the government of the United States, but that it was desirable your lordship should be officially authorized by her Majesty's government to do so.

By a despatch from the colonial minister, Lord Stanley, No. 13, of 23d April, his lordship states that "the lords of the privy council are of opinion that the claim preferred by Messrs. Rogerson is one for the consideration of the United States government," and "that you will communicate this to Messrs. Rogerson."

I have, at the request of these gentlemen, enclosed to your lordship three documents, which they hope your lordship will submit for the consideration of the government of the United States.

I have the honor to be, my lord, your most obedient, humble servant,

A. BANNERMAN,  
Governor of Newfoundland.

Right Hon. Lord NAPIER, *Washington.*

## SUPREME COURT.

NEWFOUNDLAND, *St. John's, to wit:*

Stephen Percy, of Brigus, in the northern district of the said island, master mariner, maketh oath and saith: That during the year 1857, and up to the 15th May last, he was captain of the British brig "Jessie," of the burden of 142 tons, owned by Messrs. Peter Rogerson & Son, of St. John's aforesaid, merchants; that deponent sailed from Liverpool, England, in the said brig, laden with a cargo of merchandise for St. John's aforesaid, on the 19th day of November last, having on board a crew of ten seamen and one passenger, and being then well and sufficiently provisioned, manned, and in every respect equipped for the said voyage; that nothing remarkable happened thereon until about the 2d day of December last; having then accomplished about half her voyage, she experienced a heavy gale of wind, during which she was nearly thrown on her beam ends, her cargo shifted, and part of her bulwarks was carried away. And deponent further saith, that while he and his crew were engaged in repairing the damage thus sustained, on the morning of the fourth of the said month of December they observed lights and skyrockets burning as signals of distress. Shortly after this deponent discovered, at a short distance from them, a large ship dismasted, with a flag flying union downwards; the wind was then west-northwest, and a heavy sea on. That without loss of time deponent approached the distressed vessel, which proved to be the American packet ship "Northumberland," of about 1,200 tons, and of and from New York, bound to London, with a crew of 28 men and 35 passengers on board; that several of them were women and children; that all her masts were gone, and she was so much damaged otherwise that she was in a sinking condition; that her commander then requested this deponent to take the said passengers and crew off the said wreck, to which this deponent replied that he was bound to the westward, and that it would be very inconvenient for him to take so many persons on board of his vessel: whereupon, the said commander replied that they did not care where they would go, as long as deponent would take them off of the wreck, as the ship was sinking; to which deponent did not hesitate to assent, and immediately prepared for that purpose; that the first boat launched by the "Northumberland" was smashed and swamped alongside by the heavy sea, and the violence of the gale and the sea prevented the possibility of approaching either vessel by boat; that deponent and his crew were consequently obliged to drag the passengers and crew of the said ship, through the water, from said ship's boat, thence to deponent's said vessel; that the whole of the day was occupied in this perilous duty, and after extraordinary exertions and great personal risk by this deponent and his crew, they providentially succeeded in rescuing the said passengers and crew of the "Northumberland" from their dangerous situation, and safely lodged them on board of the "Jessie."

And this deponent further saith that at that time the provisions and water on board of the "Jessie," although abundant for her own crew and voyage, where wholly inadequate to support such a large increase of numbers on board of that vessel; that the wind still con-

tinued to head deponent's vessel ; that she was not so disabled at the time as not to be able to continue on her said voyage ; that the time deponent fell in with the "Northumberland" he had no intention to deviate from his voyage, or put back to repair the damage done to his vessel ; that he then intended proceeding on said voyage, and would have done so had he not met the said ship. And deponent further saith that, in consequence of the crowded state of his vessel, the inadequate supply of provisions and water then on board thereof, for so many persons for the remainder of said voyage, the adverse state of the wind, and the prevalence of the gale, he, this deponent, was obliged to abandon his said voyage, and to bear up for the nearest land, which he accordingly did ; and after eight days' navigation, deponent succeeded in reaching Queenstown, in Ireland, and there safely landed all of the passengers and crew of the "Northumberland."

And deponent further saith that it was not by reason of any damage his said vessel sustained by the gale that he abandoned his said voyage and returned to land as aforesaid, but for the causes aforesaid ; that had he continued on his said voyage, as he intended when he fell in with said ship, deponent verily believes he would have reached Newfoundland in safety with the "Jessie."

And deponent saith that the captain and second and third mates of the "Northumberland" were citizens of the United States of America, as deponent verily believes ; that the rest of the crew of the said vessel belonged to countries unknown to him ; that the said passengers so saved from the said ship were English and Irish persons, excepting two foreigners ; several of said passengers had lived for years in the United States, and others not twelve months ; that deponent arrived at St. John's, from Cork, on the 11th of March, 1858, at night, after the departure of the sealing fleet, which usually leaves on or about the 1st of March ; and deponent was not able to leave with said vessel before the 15th of the same month for the sealing voyage, and he left Carbonear, in Conception bay, twenty miles north of St. John's, on the 17th of March, for the said purpose ; and he only brought in 149 seals, valued at £60, currency, against about £700, expenses of ship and outfits of the crew of 53 men ; that deponent had brought in the same vessel, during two previous years, from 2,000 to 4,000 seals per voyage ; that the owners of the said "Jessie" have sustained great loss by reason of her bearing up to Cork with the captain, crew, and passengers of the said "Northumberland ;" that the expenses of the "Jessie" in Cork, and the extra wages and provisions of deponent and his crew for the time the voyage to Newfoundland was prolonged, being about two and one-half months beyond the time when the voyage would probably have been completed if she had not borne up, as well as the loss of the vessel's time and ordinary charges, were considerable, and her running expenses were about £130 a month, making £325 for two and one-half months ; that the said vessel's disbursements at Cork, including repairs, were £270, and if the vessel had arrived here in due course, deponent (who has been a sealing master for thirty-eight years) would have estimated the owners' share of her sealing voyage for last spring for at least £700, which is considerably less than the average of her former voyages.

STEPHEN PERCY.

Sworn to, at St. John's, in the said island of Newfoundland, by the said Stephen Percy, the 12th day of June, A. D. 1858, before me.

GEO. ANDERSON,  
*Commissioner of Affidavits.*

CONSULATE U. S. A., NEWFOUNDLAND,  
*St. John's, June 21, 1858.*

I, the undersigned consul of the United States for the island of Newfoundland, do hereby certify that the writing, "Geo. Anderson," at foot of annexed document, is the signature of Geo. Anderson, a duly authorized commissioner of affidavits, and entitled to full faith and credit.

[L. S.] Given under my hand and consular seal the day and year above written.

W. S. H. NEWMAN,  
*United States Consul.*

We, the undersigned, having considered the circumstances connected with the rescue of the sixty-three (63) passengers and the crew of the "Northumberland" by the brig "Jessie," Percy, master, and Messrs. Peter Rogerson & Son, of St. John's, owners, beg to state that we deem the owners of the said brig entitled to the favorable consideration of the government of the United States, and to liberal compensation for the serious loss they have sustained by reason of the delay and expenses incurred by the "Jessie" in rescuing the passengers and crew of the "Northumberland" and conveying them to Cork.

WALTER PRIOR,  
*President of the Chamber of Commerce.*

JAMES TOBIN,  
*Financial Secretary.*

J. MACGREGOR,  
*Vice-President of the Chamber of Commerce.*

JOHN KENT,  
*Collecting Secretary.*

R. F. LITTLE,  
*Attorney General.*

LAW. O'BRIEN,  
*President of the Executive and Legislative Council.*

EWEN STABB,  
*President of the Executive and Legislative Council.*

ROBERT PROWSE,  
*Treasurer and Secretary.*

E. L. LAWIS,  
*Secretary of Newfoundland Marine Insurance Company.*

A. SHEA,  
*Speaker of the Assembly.*

JOHN BUTLER BULLY,  
*Agent St. John's Marine Insurance Company.*

ST. JOHN'S, Newfoundland, June 15, 1858.

CONSULATE OF THE U. S. OF AMERICA AT NEWFOUNDLAND,  
*St. John's, June 21, 1858.*

I, the undersigned consul of the United States for this island, do hereby certify that the names hereunto annexed are the genuine signatures of leading members of the local government and other influential persons in this colony.

[L. S.] Given under my hand and the seal of this consulate the day and year above written.

W. S. H. NEWMAN,  
*United States Consul.*

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*General Cass to Lord Napier.*

DEPARTMENT OF STATE,  
*Washington, September 9, 1858.*

MY DEAR LORD NAPIER: I have received your letter of the 7th instant, with the accompanying papers, relative to the claim of the Messrs. Rogerson, of Newfoundland, on this government, on account of services rendered by, and incidental damages to, their brig "Jessie" in rescuing the crew and passengers of the packet ship "Northumberland," bound from New York to London.

In reply, I have to state that, while I heartily concur in the sentiments which your lordship expresses as to the good policy in all governments to acknowledge and to remunerate services of this character, I regret that the fund now at the command of the Executive of the United States for such purposes does not warrant the payment of the claim of the Messrs. Rogerson. Captain Percy, who was the commander of the "Jessie," was here in July last, and, in consideration of his services on the occasion adverted to, the President directed the sum of three hundred dollars to be paid to him, with which he expressed himself satisfied. I have caused a copy of the documents which accompanied your letter to be retained, with a view of taking into consideration the expediency of applying to Congress, at its next session, for a special appropriation in behalf of the Messrs. Rogerson.

The originals of the papers are herewith returned agreeably to your request.

I am, dear sir, yours truly,

LEWIS CASS.

LORD NAPIER, &c., &c., &c.

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*Lord Napier to General Cass.*

HER BRITANNIC MAJESTY'S LEGATION,  
*Washington, February 13, 1859.*

MY DEAR SIR: I have on more than one occasion taken the liberty of addressing you officially on the subject of a claim urged by Messrs. Rogerson, of Newfoundland, to indemnity for their contingent losses



by the delay incurred by their vessel, the "Jessie," in saving the crew of the American emigrant ship "Northumberland," and returning with them to Ireland.

In your last reply, under date of the 9th of September last, you were so good as to hold out a hope that you would promote the appropriation of a sum of money by Congress for the satisfaction of Messrs. Rogerson.

I trust that I may be permitted to recall this circumstance to your memory, with a view to the employment of your good offices for Messrs. Rogerson at a moment when, as I learn, they are memorializing Congress on the subject.

Believe me, my dear sir, yours, very truly,

NAPIER.

Hon. LEWIS CASS,  
*Secretary of State, &c., &c., &c.*

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*General Cass to Lord Napier.*

DEPARTMENT OF STATE,  
*Washington, February 15, 1859.*

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 13th instant, relative to the claim of Messrs Rogerson, of Newfoundland, to indemnity for their contingent losses by the delay incurred by their vessel in saving the crew of the emigrant ship "Northumberland," and returning with them to Ireland.

In reply, I have the honor to state that the success of an application to Congress on the subject, under existing circumstances, has been deemed so questionable that the department has considered it most advisable to abstain from making any, at least this session.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

LORD NAPIER, &c., &c., &c.

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*Lord Lyons to General Cass.*

WASHINGTON, *April 20, 1859.*

SIR: I have the honor to transmit to you a copy of a letter which has been addressed to her Majesty's principal secretary of state for foreign affairs by Messrs. Tarbet & Sons, of Liverpool, the correspondents of the house of Rogerson & Son, of St. John's, Newfoundland.

The letter refers to an application made by Messrs. Rogerson & Son to the government of the United States for compensation for losses sustained by them in consequence of their brig, the "Jessie," having saved the crew and passengers of the American packet ship "Northumberland," in the middle of the Atlantic, and put back with them

to Queenstown, thereby incurring heavy expenses, and losing the chance of a productive seal fishery.

It is not, sir, with a view of making any formal claim on behalf of the owners of the "Jessie" that I do myself the honor of submitting to you the letter in question. My object is, in obedience to the instructions which I have received from her Majesty's secretary of state, to make an appeal to the well-known liberality of the government of the United States in cases where the owners of foreign vessels have sustained losses in consequence of services rendered to American vessels.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS,  
*Secretary of State, &c., &c., &c.*

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*Messrs. Tarbet & Sons to the Earl of Malmesbury.*

MY LORD: We have the honor to represent that we have been in correspondence with her Majesty's Board of Trade relative to the loss sustained by Messrs. Peter Rogerson & Son, of St. John's, Newfoundland, in consequence of their brig, the "Jessie," Captain Percy, having rescued sixty-three persons from the wreck of the American ship "Northumberland," in the middle of the Atlantic, and put back with them to Queenstown, thereby incurring heavy expenses, and losing the chance of a productive seal fishery. Messrs. Rogerson & Son presented a claim for compensation to the American government, and hopes were held out to them that it would be laid before Congress. But this appears not to have been done, nor has any notice been taken lately of the claim.

We have therefore to request the favor that your lordship will name the case to her Majesty's minister at Washington, with the view of his reminding the government there of the important services rendered by the "Jessie" to so many American citizens, (the ship and thirty persons belonging to that country,) and in hope of obtaining some fair compensation for the same.

We have, &c.,

W. TARBET & SONS.

The EARL OF MALMESBURY, &c., &c., &c.

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*General Cass to Lord Lyons.*

DEPARTMENT OF STATE,  
*Washington, April 22, 1859.*

MY LORD: I have the honor to acknowledge the receipt of your lordship's communication of the 20th instant, in which, under the instructions of your government, an appeal is made to the government

of the United States in behalf of Messrs. Peter Rogerson & Son, of Newfoundland, on account of losses sustained by them in saving the passengers and crew of the American packet ship "Northumberland."

In reply, I have the honor to state that, although at the date of my last note on this subject to your lordship's predecessor it was not deemed advisable to lay the matter before Congress at that late stage of its session, as I am persuaded of the equity of the claim, I shall invite the favorable consideration of that body to it at the opening of the next annual session.

Lord LYONS, &c., &c., &c.

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*Lord Lyons to General Cass.*

WASHINGTON, November 28, 1859.

SIR: I had very great satisfaction in forwarding to her Majesty's government a copy of the note dated the 22d of April last, in which you did me the honor to inform me that, being persuaded of the equity of the claim of Messrs. Rogerson & Son, owners of the brig "Jessie," you would recommend it to the favorable consideration of Congress.

It will be in your recollection that the claim of Messrs. Rogerson is for compensation for losses incurred in consequence of the "Jessie" having saved the crew and passengers of the American packet ship "Northumberland." Her Majesty's government have reason to believe that some, at least, of these passengers were British subjects. They have not been able to ascertain how many, but they conclude that this could be discovered without difficulty in the United States, as the captain and officers of the "Northumberland" were saved.

I have accordingly been instructed to inform you, sir, that if the government of the United States should be enabled by Congress to acknowledge and settle the claim of the owners of the "Jessie," her Majesty's government will be ready to refund to the United States government a sum bearing the same proportion to the whole claim which the number of British passengers saved from the "Northumberland" may have borne to the total number saved, including both passengers and crew.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. LEWIS CASS, &c., &c., &c.

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*General Cass to Lord Lyons.*

DEPARTMENT OF STATE,  
Washington, November 29, 1859.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of yesterday, relative to the claim of Messrs. Rogerson & Son against this government, in the case of their brig, the "Jessie,"

for losses sustained in saving the passengers and crew of the American packet ship "Northumberland."

In reply, I have the honor to state that in recommending this claim to the favorable consideration of Congress, as it is my intention to do soon after the opening of its next session, I shall not fail to make known to that body the offer which has been made by her Majesty's government in the premises.

I have the honor to be, my lord, with high consideration, your lordship's obedient servant,

LEWIS CASS.

Lord LYONS, &c., &c., &c.

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*Lord Lyons to Mr. Appleton.*

WASHINGTON, December 5, 1859.

MY DEAR SIR: Messrs. Rogerson & Son, the owners of the "Jessie," have sent me a duplicate estimate of the loss sustained by them in consequence of that vessel having put back to Cork with the shipwrecked passengers and crew of the American ship "Northumberland."

This document states the loss at \$7,788 75. I think the original of it must have been given to the State Department by Lord Napier in March, 1858, or about that time; but I cannot make out quite clearly from the records here whether this is the case or not. If you have the papers already, it would only be giving you unnecessary trouble for me to send you another copy now; and therefore I venture to ask you to let me know how the matter stands with regard to it.

Believe me to be, my dear sir, your very faithful servant,

LYONS.

Hon. JOHN APPLETON, &c., &c., &c.

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*Mr. Appleton to Lord Lyons.*

DEPARTMENT OF STATE,  
Washington, December 6, 1859.

MY DEAR LORD LYONS: In reply to your lordship's note of yesterday, I have the honor to state that the original estimate therein referred to was communicated to this department by Lord Napier on the 15th of March, 1858, and is still on our files.

I am, my dear Lord Lyons, very truly yours always,

JOHN APPLETON,

*Assistant Secretary.*

Lord LYONS, &c., &c., &c.